

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	General Shale Products Corporation
Facility Name:	General Shale Products Corporation
Facility Location:	Route 1, Box 460 Atkins, VA 24311
Registration Number:	10244
NET I. D. Number:	51-173-0011

Effective Date: February 26, 2001
Modification Date: August 13, 2003
Expiration Date: February 26, 2006

Robert G. Burnley
Director, Department of Environmental Quality

Signature Date: August 13, 2003 (as modified)

Table of Contents, 2 pages
Permit Conditions, 21 pages

Table of Contents

I. FACILITY INFORMATION.....	1
II. SIGNIFICANT EMISSION UNITS	3
III. BRICK MANUFACTURING PROCESS - EMISSION UNIT ID# 05, 06, 07	4
A. LIMITATIONS.....	4
B. MONITORING	6
C. RECORDKEEPING.....	6
D. TESTING.....	7
IV. SHALE PREPARATION PROCESS (02); PLANT 28/BRICK MFG (04); AND COAL PROCESSING SYSTEM (08)	8
A. LIMITATIONS.....	8
B. MONITORING	9
C. RECORDKEEPING.....	9
D. TESTING.....	10
V. INSIGNIFICANT EMISSION UNITS	10
VI. COMPLIANCE PLAN	11
VII. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS	11
VIII. GENERAL CONDITIONS.....	11
A. FEDERAL ENFORCEABILITY	11
B. PERMIT EXPIRATION	11
C. RECORDKEEPING AND REPORTING.....	12
D. ANNUAL COMPLIANCE CERTIFICATION	13
E. PERMIT DEVIATION REPORTING.....	14
F. FAILURE/MALFUNCTION REPORTING.....	14
G. SEVERABILITY	14
H. DUTY TO COMPLY.....	14
I. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	14
J. PERMIT ACTION FOR CAUSE	15
K. PROPERTY RIGHTS	15
L. DUTY TO SUBMIT INFORMATION.....	16
M. DUTY TO PAY PERMIT FEES.....	16
N. FUGITIVE DUST EMISSION STANDARDS	16
O. STARTUP, SHUTDOWN, AND MALFUNCTION	17
P. ALTERNATIVE OPERATING SCENARIOS.....	17
Q. INSPECTION AND ENTRY REQUIREMENTS	17
R. REOPENING FOR CAUSE.....	18

S. PERMIT AVAILABILITY	18
T. TRANSFER OF PERMITS	19
U. MALFUNCTION AS AN AFFIRMATIVE DEFENSE.....	19
V. PERMIT REVOCATION OR TERMINATION FOR CAUSE	20
W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION.....	20
X. STRATOSPHERIC OZONE PROTECTION.....	20
Y. ACCIDENTAL RELEASE PREVENTION	21
Z. CHANGES TO PERMITS FOR EMISSIONS TRADING	21
AA. EMISSIONS TRADING	21

I. Facility Information

Permittee

General Shale Products Corporation
P. O. Box 3547
Johnson City, TN 37602

Responsible Official

Mr. Dave McNees
Director of Environment and Corporate Real Estate

Facility

General Shale Products Corporation
Route 1, Box 460
Atkins, VA 24311

Contact Person

Mr. Phil Towles
Environmental Specialist
423-282-4661

NET Identification Number: 51-173-0011

Facility Description: SIC Code 3251. General Shale Products Corporation is a manufacturer of face brick covered by Standard Industrial Classification (SIC) Code 3251. The facility is located 11 miles northeast of Marion, Virginia, on the south side of U.S. Route 11. The company's #6 plant has two small tunnel kilns (A&B) and the #28 plant has a single large kiln. Both plants are fired with natural gas and coal.

The operation at the facility consists of blending components together, then the bricks are formed and stacked on kiln cars. The cars are pushed into the kilns on a regular schedule. This facility was issued a permit to convert to coal firing on September 7, 1977, and their permit was modified April 17, 1979; and amended on January 22, 1988. Annual performance testing on all three tunnel kilns was required by the original permit. On January 22, 1988, an amendment to the modified permit issued April 17, 1979, changed Condition No. 3 of that permit to allow the company to test every third year instead of every year and required the company to test only the #6B kiln since kiln #6A and #6B are operated identically. On August 2, 2000, a permit was issued which increased the sulfur and ash content of the coal to 1.1% and 6% respectively, and decreased the performance testing frequency to once every five years. This facility has the potential to operate 24 hours per day, 7 days per week, 52 weeks per year. This facility manufactures face brick from shale material that has been mined, processed and stockpiled. The facility is permitted to manufacture 21.9 tons of brick per hour (191,840 tons per year).

The facility is a Title V major source due to emissions of hydrogen fluoride (HF), which are greater than 10 tons/year, and sulfur dioxide (SO₂). Actual 1996 emissions of HF and SO₂ were 12.4 tons per year and 124.9 tons per year respectively. PM and PM₁₀ are emitted from all of the listed emission units (see Table 1) with the majority of the PM emissions coming from the tunnel kilns. Baghouses control the PM from the shale preparation, the brick texturing, and the coal processing operations. The SO₂ emissions are due to the burning of dry, pulverized coal and natural gas for the kiln operations, as well as small amounts from the shale during processing. PSD and non-attainment permitting do not apply, and the facility is not currently a PSD major source. The area is in attainment for all criteria pollutants. None of the NSPSs and NESHAPs are applicable. Future modifications could subject the facility to NSPS Subpart OOO. Maximum Achievable Control Technology Standards (MACT) for brick and structural clay products manufacturing, under 40 CFR 63 (Subpart JJJJ) and 9 VAC 5 Chapter 60, was promulgated on May 16, 2003. The facility may be subject to those requirements.

General Shale submitted an updated Title V application dated March 3, 2003, requesting that all references to Method 22 for visible emission observations be deleted and that appropriate language be substituted for visible emission observations. This permit was re-opened to incorporate the appropriate language via a significant modification.

II. Significant Emission Units

Equipment to be operated consists of:

Table 1

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Shale Preparation/Brick Manufacturing Process							
02	02	Shale Prep.;McClanahan Primary, Steele Grinders,Tyler & Leahy Screens; other custom-1973	100 tons/hr output	Wheelabrator 108; Size 115 w/fabric filter baghouse	02	Particulate	NSR Permit dated 8/2/00
03	03	Plant 6 Steele Brick Machine & Custom Built Texture Equipment-1952	40 tons/hr output	Custom-Exhaust fan w/settling chamber	03	Particulate	NSR Permit dated 8/2/00
04	04	Plant 28 Steele Brick Machine & Custom Built Texture Equipment-1973	100 tons/hr output	Wheelabrator 108; Size 90 w/fabric filter baghouse	04	Particulate	NSR Permit dated 8/2/00
05	05	Plant 6 "A" Miller Dryer/Kiln-1952/1980	3.6 tons/hr output	Internal controls	05	PM, SO ₂	NSR Permit dated 8/2/00
06	06	Plant 6 "B" Miller Dryer/Kiln-1952/1980	3.6 tons/hr output	Internal controls	06	PM, SO ₂	NSR Permit dated 8/2/00
07	07	Plant 28 Harrop Dryer/Kiln-1952/1980	14.7 tons/hr output	Internal controls	07	PM, SO ₂	NSR Permit dated 8/2/00
Coal Processing							
08	08	C-E Raymond and Custom Drying/Pulverizing System-1980	2.6 tons/hr output	Carter-Day 48 RF8 w/fabric filter baghouse	08	Particulate	NSR Permit dated 8/2/00

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Brick Manufacturing Process - Emission Unit ID# 05, 06, 07

A. Limitations

1. Particulate matter and sulfur dioxide emissions from the dryer/kilns (I.D. Nos. 5, 6, and 7) shall be controlled using the following:
 - a. Installation of target firing reducing solid fuel requirements;
 - b. Operating the dryer/kilns under reduced draft conditions;
 - c. Use of supplemental fuel (natural gas) to reduce solid fuel requirement; and
 - d. Use of coal containing no more than 1.1% sulfur and 6% ash content with stringent quality control (on-site analyses) to comply with the sulfur and ash content limit.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 3 of NSR Permit dated 8/2/00)
2. The approved fuels for the dryer/kiln (I.D. Nos. 5, 6, and 7) operations are coal and natural gas as supplement. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-10, 9 VAC 80-110 and Condition 5 of NSR Permit dated 8/2/00)
3. The dryer/kilns (I.D. Nos. 5, 6, and 7) shall consume no more than the following: 1902.2 lbs/hr of coal, calculated monthly as total pounds of coal divided by total kiln operating hours; and 8331.8 tons of coal per year, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-10, 9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 6 of NSR Permit dated 8/2/00)
4. The brick manufacturing process (dryer/kiln I.D. Nos. 5, 6, and 7) shall produce no more than 21.9 tons/hr of bricks, calculated monthly as total tons of brick divided by total kiln operating hours; and 191,840 tons/yr of bricks, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-10, 9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 7 of NSR Permit dated 8/2/00)
5. The coal shall meet the specifications below:
COAL:

Maximum sulfur content per shipment:	1.1%
Maximum ash content per shipment:	6.0%

(9 VAC 5-80-10, 9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 8 of NSR Permit dated 8/2/00))

6. Total emissions from the dryer/kiln (I.D. Nos. 5, 6, and 7) operation shall not exceed the limits specified below:

	<u>lbs/hr</u>	<u>tons/yr</u>
PM 10	34.11*	149.4
SO ₂	44.5	195.0
NO _x	11.2	49.1
CO	17.5	76.7
VOC	0.53	2.3

*14.25 lb/hr total for Kilns 6A & 6B (Plant 6; I.D. Nos. 5 and 6); 19.86 lb/hr for Kiln 7 (Plant 28; I.D. No. 7) based on performance testing.

Annual emissions shall be calculated as the sum of each consecutive twelve (12) month period.

These emissions, except for PM10, are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers 3, 4 and 5 of this permit (Section III.A.). Compliance may also be determined by DEQ-approved performance testing, emission factors, material balance, or any other approved methods.

(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 9 of NSR Permit dated 8/2/00)

7. Visible emissions from the dryer/kiln process (I.D. Nos. 5, 6, and 7) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-50-80, 9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 10 of NSR Permit dated 8/2/00)

8. Stack testing for particulate matter from the kiln exhausts (I.D. Nos. 5, 6, and 7) shall be conducted in Calendar Year 2004 and once every five years thereafter. Kilns 6B (I.D. No. 6) and 7 (I.D. No. 7) shall be tested (compliance for Kiln 6A-I.D. No. 5- shall be determined by stack testing 6B since Kilns 6A and 6B are identical). Source compliance with, or fulfillment of, an identical stack test requirement in any other state and federally enforceable permit (e.g., Title V) may be considered to fulfill this requirement. Testing shall be in accordance with Method 5, 40 CFR 60 for the

determination of particulate emissions. Details of the test are to be arranged with the Director, Southwest Regional Office.

(9 VAC 5-50-30, 9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 11 of NSR Permit dated 8/2/00)

9. The permittee shall perform an analysis of coal used as fuel for the dryer/kilns (I.D. Nos. 5, 6, and 7). The permittee shall sample the coal pile once per day and composite the sample. The composite sample shall be analyzed once per month. Analysis shall be for sulfur and ash content to comply with the limits as stated in Condition number 5 of this permit (Section III.A.).

(9 VAC 5-80-10, 9 VAC 5-80-110 and Condition 12 of NSR Permit dated 8/2/00)

B. Monitoring

1. The permittee shall perform the following:

- a. The permittee shall perform a visible emission observation on each kiln exhaust stack (I. D. Nos. 5, 6, and 7) once each week during each week when there is operation. The visible emission observation shall be performed for a brief period of time to identify the presence of visible emissions. If, during any visible emission observation, visible emissions are observed (condensed water vapor/steam is not a visible emission) which are higher than 10% opacity, a visible emissions evaluation (VEE) shall be conducted using 40 CFR 60, Appendix A, Method 9, for six minutes. If the observed visible emissions are 10% opacity or less, no action shall be required. If the opacity average is higher than 20%, modifications and/or repairs shall be performed to correct the problem. If such correction action fails to correct the problem a VEE using 40 CFR Part 60, Appendix A, Method 9 shall be conducted for 18 minutes to determine compliance with the opacity limit. The visible emissions observer shall be Method 9 certified.

(9 VAC 5-80-110, 9 VAC 5-50-80 and Condition 10 of NSR Permit dated 8/2/00)

- b. Sample the coal pile once per day and composite the sample for analysis.

(9 VAC 5-80-10, 9 VAC 5-80-110 and Condition 12 of NSR Permit dated 8/2/00)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. The permittee shall maintain hourly and yearly records on coal consumption and calculate hourly and yearly sulfur dioxide emissions each month. (Conditions 6, 8 and 9 of the NSR Permit dated 8/2/00)
2. The permittee shall maintain hourly and yearly records of brick production and calculate hourly and yearly NO_x, VOC, and CO emissions each month. (Conditions 7 and 9 of the NSR Permit dated 8/2/00)
3. The permittee shall maintain records showing coal specifications for sulfur and ash content of 1.1% and 6% respectively and for use in sulfur dioxide emission calculations, including records of any vendor-supplied coal specification reports and analyses. (Conditions 8, 9, and 12 of NSR Permit dated 8/2/00)
4. The permittee shall maintain records of the weekly visible emission checks on each kiln exhaust and any observations, VEE results, and corrective actions. (Condition 10 of the NSR Permit dated 8/2/00)
5. The permittee shall maintain hourly and yearly records of the particulate matter emissions from brick production. Hourly and yearly particulate emissions shall be calculated each month utilizing a production-based emission factor derived from the last performance test. (Conditions 7 and 9 of NSR Permit dated 8/2/00)
6. The permittee shall maintain records identifying the relevant, pollutant-specific, emission factors used in calculating emissions and the equations used in the calculations. (Conditions 7 and 9 of NSR Permit dated 8/2/00)

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50 and 9 VAC 5-80-110)

D. Testing

1. The permittee shall complete performance testing for particulate matter on each kiln exhaust (except Kiln #6A; I.D. Nos. 6 and 7) once every five years to demonstrate compliance with particulate emission limits. To the maximum extent possible, the NSR permit (dated 8/2/00) requirement (Condition 8 of this permit, Section III.A.) for performance testing and the frequency stated above shall be the Title V performance test requirement and frequency; the next performance test being completed no later than December, 2004 (and once every five years thereafter). Testing shall be in accordance with 40 CFR 60, Method 5. Details shall be arranged with the Director, Southwest Regional Office. (9 VAC 5-80-110, 9 VAC 5-50-110 and Conditions 3, 9 (PM 10 only), and 11 of NSR Permit dated 8/2/00)

2. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
3. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Method 1-5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

IV. Shale Preparation Process (02); Plant 28/Brick Mfg (04); and Coal Processing System (08)

A. Limitations

1. Visible emissions from the baghouse exhaust (I.D. Nos. 2, 4, and 8) shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity.
(9 VAC 5-50-80 and 9 VAC 5-80-110)
2. Total particulate emissions from the baghouse exhaust (I.D. Nos. 2, 4, and 8) shall not exceed 51.3 lbs/hr each for Emission Units 02 and 04; 7.78 lbs/hr for Emission Unit 08.
(9 VAC 5-40-260 and 9 VAC 5-80-110)
3. The facility, including any associated air pollution control equipment, shall be operated in a manner so as to minimize emissions.
(9 VAC 5-50-20 E and 9 VAC 5-80-110)

B. Monitoring

1. The permittee shall perform a weekly visible emission check of each baghouse exhaust (I.D. Nos. 2, 4, and 8) and record daily the pressure drop across the fabric filter in each baghouse.
 - a. The permittee shall perform a visible emission observation on each baghouse exhaust stack (I.D. Nos. 2, 4, and 8) once each week during each week when there is operation. The visible emission observation shall be performed for a brief period of time to identify the presence of visible emissions. If, during any visible emission observation, visible emissions are observed (condensed water vapor/steam is not a visible emission) which are higher than 10% opacity, a visible emissions evaluation (VEE) shall be conducted using 40 CFR 60, Appendix A, Method 9, for six minutes. If the observed visible emissions are 10% opacity or less, no action shall be required. If the opacity average is higher than 20%, modifications and/or repairs shall be performed to correct the problem. If such correction action fails to correct the problem a VEE using 40 CFR Part 60, Appendix A, Method 9 shall be conducted for 18 minutes to determine compliance with the opacity limit. The visible emissions observer shall be Method 9 certified.
 - b. The pressure drop across each baghouse filter (I.D. Nos. 2, 4, and 8) shall be recorded daily. If a change in pressure drop occurs (outside manufacturer's specification limits), corrective action must be taken to ensure compliance with the particulate limit.
- (9 VAC 5-50-20 E, 9 VAC 5-80-110, 9 VAC 5-50-80 and 9 VAC 5-40-260)

C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:
 - a. Weekly inspections and records for visible emission checks.
 - b. Daily monitoring and recording of the pressure drop across the baghouse filter.
 - c. The permittee shall maintain records of the weekly visible emission checks on each baghouse exhaust and any observations, VEE results, and corrective actions.
 - d. Records of any corrective action taken for pressure drops outside normal manufacturer's specification limits.
- (9 VAC 5-50-50 and 9 VAC 5-80-110)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM-10	EPA Method 1-5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant Emitted (5-80-720 B.)	Rated Capacity
01	Leffel-Scotch Boiler	5-80-720 C	PM, VOC, NO _x , SO ₂ , CO	2.5 MMBTU/HR
03	Brick Making/ Texturing; Plant #6	5-80-720 B	PM	40 Tons/hr
09	Kiln Car Vacuum Cleaners (2)	5-80-720 B	PM	N/A
10	Oil (Lubricating) Tanks (2)	5-80-720 B	VOC	3,000 gallons each
11	Diesel Fuel Tank	5-80-720 B	VOC	1,000 gallons

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.
(9 VAC 5-80-720)

VI. Compliance Plan

N/A

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being **not applicable** to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60.670(e)	Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants	New Source Performance Standards - not applicable; construction prior to 8/31/83

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.
(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Southwest Regional Office, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3. of this permit.

(9 VAC 5-80-110 F.2)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Southwest Regional Office, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.

(9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
 - g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.
(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
 4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
 - d. For malfunctions that occurred for one hour or more, the permittee submitted to the Board by the deadlines described in **Failure/Malfunction Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)